



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೩ Part - III	ಬೆಂಗಳೂರು, ಗುರುವಾರ ,೨೭, ಆಗಸ್ಟ್ , ೨೦೨೦(ಭಾದ್ರಪದ, ೫, ಶಕವರ್ಷ, ೧೯೪೨) Bengaluru, THURSDAY, 27, AUGUST, 2020(BHADRAPADA, 5, ShakaVarsha, 1942)	ನಂ. ೩೭೦ No. 370
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ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ನಅಇ 65 ಎಂಎಲ್‌ಆರ್ 2020, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:27.08.2020

ರಾಜ್ಯದ ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗಳ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಉಪಾಧ್ಯಕ್ಷರ ಸ್ಥಾನಗಳಿಗೆ ಮೀಸಲಾತಿ ನಿಗದಿಪಡಿಸಲು ಜಾರಿಯಲ್ಲಿದ್ದ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ನಅಇ 78 ಎಂಎಲ್‌ಆರ್ 2018, ದಿನಾಂಕ 16.08.2018ರ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಸೂಕ್ತವಾಗಿ ಪರಿಷ್ಕರಿಸಲು ಸರ್ಕಾರವು ಉದ್ದೇಶಿಸಿರುತ್ತದೆ.

ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 6139/2020 C/w ಇತರೇ ಪ್ರಕರಣಗಳಲ್ಲಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ 18.08.2020ರಂದು ನೀಡಿರುವ ಆದೇಶದನ್ವಯ ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗಳ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಉಪಾಧ್ಯಕ್ಷರ ಸ್ಥಾನಗಳಿಗೆ ಮೀಸಲಾತಿ ನಿಗದಿಪಡಿಸಲು ಪರಿಷ್ಕೃತ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಿಸಿ ಬಾಧಿತ ವ್ಯಕ್ತಿಗಳಿಂದ ಸಲಹೆ/ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಆಹ್ವಾನಿಸಲು ನಿರ್ದೇಶನ ನೀಡಿರುತ್ತದೆ.

ಈ ಅಧಿಸೂಚನೆಯೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುವ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಯುಡಿಡಿ 65 ಎಂಎಲ್‌ಆರ್ 2020, ದಿನಾಂಕ 27.08.2020ರ ಮೂಲಕ ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗಳ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಉಪಾಧ್ಯಕ್ಷರ ಸ್ಥಾನಗಳಿಗೆ ಮೀಸಲಾತಿ ನಿಗದಿಪಡಿಸಲು ಪರಿಷ್ಕೃತ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಅವಗಾಹನೆಗಾಗಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ. ಈ ಪರಿಷ್ಕೃತ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಿದ ದಿನಾಂಕದಿಂದ 07 ದಿನಗಳ ತರುವಾಯ ಪರಿಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು. ಪರಿಷ್ಕೃತ ಮಾರ್ಗಸೂಚಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಲು ಇಚ್ಛಿಸುವ ವ್ಯಕ್ತಿಗಳು ಅದನ್ನು ಲಿಖಿತದಲ್ಲಿ ಕಾರಣ ಸಹಿತವಾಗಿ ದಾಖಲೆಗಳೊಂದಿಗೆ ನಿಗದಿತ ದಿನಾಂಕಕ್ಕೆ ಮೊದಲು ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ (ಪೌರಾಡಳಿತ ಮತ್ತು ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳು), ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ,

ಕೊಠಡಿ ಸಂಖ್ಯೆ: 435, ವಿಕಾಸ ಸೌಧ, ಬೆಂಗಳೂರು-560 001 ರವರಿಗೆ ಸಲ್ಲಿಸಬೇಕೆಂದು ಈ ಮೂಲಕ ಸೂಚಿಸಲಾಗಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ಎ.ವಿಜಯಕುಮಾರ್)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Guidelines regarding reservation of the offices of the Presidents and Vice-Presidents of City Municipal Councils, Town Municipal Councils and Town Panchayats-reg.

- Read:** 1) Notification No. Sam.Vya.Sha.Ee.13 Shasana 2012, dated 30.08.2012. (Karnataka Act No.32 of 2012).
2) Government Order No.UDD78 MLR 2018, dated 16-08.2018.
3) Notification No.UDD 40 MLR 2019, dated 30.12.2019.
4) Notification No.UDD 39 MLR 2019(1)(2)(3), dated 11.03.2020.
5) The Proceedings of the Cabinet Sub-Committee dated 30.07.2020.

Preamble:

Clause (4) and (5) of Article 243-T of the Constitution of India, Sub-section 2-A of Section 42 of Karnataka Municipalities Act, 1964, provides for reservation to Scheduled Caste, Scheduled Tribe, Backward Class and Women for the offices of the Presidents and Vice-Presidents of City Municipal Councils (CMC), Town Municipal Councils (TMC) and Town Panchayats (TP) on rotation basis.

The Karnataka Municipalities and certain other law (Amendment) Act, 2012 (Karnataka Act No. 32 of 2012), the Karnataka Municipalities Act, 1964 (Karnataka Act No. 22 of 1964) has been amended as follows:

(i) in section 42, in sub-section (2-A) ,-

(a) in clause (b), after the second proviso, the following shall be inserted namely:

“Provided also that the number of offices of President and Vice-President reserved for the backward classes under this clause shall be so determined that the total number of offices of President and Vice-President reserved for the scheduled castes and the scheduled tribes and the backward classes under this clause shall not exceed fifty percent of the total number of offices of President and Vice-President of the Municipal Councils in the State.”

(b) in clause (c) for the words “not less than one-third of the total number of offices of the President and Vice-President”, the words “not more than fifty percent of the total number of offices of the President and Vice-President” shall be inserted.

The Karnataka Municipalities (President/Vice-President) Election (Amendment) Rules, 2019, dated 30-12-2019 has been issued read at Sl. No.(3), in order to fix the different categories of reservation to the offices of the President and Vice President to City Municipal Council, Town Municipal Council and Town Panchayats for 9th term.

Based on the guidelines dated 16.08.2018 and the Karnataka Municipalities (President/Vice President Election (Amendment) Rules, 2019, dated 30.12.2019, reservation for the post of President/Vice President has been issued vide notification dated 11.03.2020. The said notification is challenged before the Hon'ble High Court of Karnataka, Bengaluru, vide W.P.No.5999/2020 c/w other matters, the Hon'ble High Court of Karnataka vide its interim order dated: 17.03.2020 has directed as under;

“List these matters on 01.04.2020, till then, the official respondents are hereby directed not to precipitate in filling of the posts of President and Vice President of City Municipal Council, Town Municipal Council and Town Panchayath, pursuant to 06.02.2020 and 11.03.2020 notifications”

The Cabinet Sub Committee is formed under the chairmanship of the Hon'ble Minister for Law and Parliamentary Affairs and Minor Irrigation on 09.06.2020, had series of meeting on 24.06.2020, 07.07.2020 and on 30.07.2020 with regard to conduct of election to the post of Present and Vice President.

The Cabinet Sub-Committee on 30.07.2020 has taken a decision to review the guidelines dated 16.08.2018, vide Government Order No. UDD 78 MLR 2018 and decided as under,

ನಗರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಅಧ್ಯಕ್ಷರು/ಉಪಾಧ್ಯಕ್ಷರ ಸ್ಥಾನಗಳಿಗೆ 2018 ರಿಂದ ಚುನಾವಣೆಯಾಗದಿರುವುದನ್ನು ಗಮನದಲ್ಲಿರಿಸಿ ಆದಷ್ಟು ತತ್ಪರಿತವಾಗಿ ಚುನಾವಣೆ ನಡೆಸುವ ದೃಷ್ಟಿಯಿಂದ ಅವರ್ತನೆ ತತ್ವದ ಆಧಾರದ ಮೇಲೆ ಮೀಸಲಾತಿ ನಿಗದಿಪಡಿಸುವ ಕ್ರಮದ ಬದಲಾಗಿ, ಹಿಂದಿನ ಅವಧಿಯ ಮೀಸಲಾತಿಯು ಆದಷ್ಟು ಮಟ್ಟಿಗೆ ಪುನರಾವರ್ತನೆಯಾಗದಂತೆ (the previous term reservation will not be repeated for subsequent term as far as possible) ಹಾಗೂ ಆಯಾಯ ವರ್ಗಗಳಿಗೆ ಲಭ್ಯವಾಗುವ ಮೀಸಲಾತಿ ಸ್ಥಾನಗಳ ಸಂಖ್ಯೆಯನ್ನು ಕಾಯ್ದುಕೊಂಡು (the reservation of seats available for each category to be maintained as per the rules) ಮೀಸಲಾತಿ ನಿಗದಿಪಡಿಸುವ ಬಗ್ಗೆ ತೀರ್ಮಾನಿಸಿ ಕ್ರಮವಹಿಸಲು ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಬದಲಾವಣೆ ಮಾಡಲು ತೀರ್ಮಾನಿಸಿತು.

In view of the decision of the Cabinet Sub Committee and the facts and reasons mentioned above, it is considered necessary to revise the guidelines for the reservation to the office of President and vice president of City Municipal Council, Town Municipal Council and Town Panchayat for the 9th term.

GOVERNMENT ORDER No.UDD 65 MLR 2020, BENGALURU, Dated 27.08.2020.

Government is pleased to order that the following general principles shall be kept in view, for the purpose of fixing the reservation to the offices of President and Vice-President of City Municipal Councils, Town Municipal Councils and Town Panchayats.

- i) The reservation of the offices of President and Vice-President of the CMCs, TMCs and TPs for different categories will be done as per **The Karnataka Municipalities (President and Vice President) (Election) (Amendment Rules) 2019, dated 30.12.2019.**
- ii) The office of the President and Vice-President of CMCs, TMCs and TPs reserved for Scheduled Caste, Scheduled Caste-Woman, Scheduled Tribe, Scheduled Tribe-Woman, Backward Class-A, Backward Class-A-Woman, Backward Class-B, Backward Class-B-Woman and General-Woman in the previous term shall **as far as possible** not to be reserved to the same category.
- iii) In respect of up gradation of TMC to CMC, TP to TMC, the reservation of the previous term, as TMC and TP shall be considered.
- iv) Both the office of the President and Vice President of the CMCs, TMCs and TPs as the case may be, shall not be allotted in favour of the same category of Scheduled Caste, Scheduled Tribe and Backward Class.
- v) The reservation to the Offices of President and Vice-President of CMCs, TMCs and TPs in favour of Scheduled Caste/Scheduled Tribe candidates in the State shall be determined by the Government based on the highest percentage of Scheduled Caste / Scheduled Tribe population with reference to the total population of the City concerned on the basis of 2011 Census. The ULBs shall be arranged on the basis of decreasing percentage of population of Scheduled Caste / Scheduled Tribe as the case may be while making such allotment.
- vi) **As far as possible**, in respect of other categories it shall be ensured that there is no repetition of reservation of a seat with reference to the reservation in the previous term except General.
- vii) A woman candidate shall be eligible to contest a seat which is not reserved for the 'woman' category, either for President or Vice-President, in the case of an election to such posts.
- viii) Allotment of seats in respect of Scheduled Caste and Scheduled Tribe **would** be in accordance with the sequence viz., SCW> ST> SC> ST(W). While doing so, it shall be ensured that Scheduled Caste and Scheduled Tribe category is reserved in the ward reservation.
- ix) The sequence of allotment of seats in respect of other categories would be BCAW > G > BCBW >GW>BCA>G>BCB>GW.
- x) In case any category specified in para (viii) and (ix) get exhausted at the time of fixing the reservation, the same would be operated after deleting such category from the next succeeding cycle.
- xi) The process of reservation of offices of Presidents and Vice-Presidents in the CMCs/TMCs/TPs **would** be as under;
 - a. Every ULBs viz., CMCs/TMCs/TPs shall be arranged in a decreasing order of percentage of Scheduled Caste population based on 2011 Census, then Reservation for the Scheduled Caste category shall be done based upon percentage of population of Scheduled Castes.
 - b. A similar exercise shall be followed for Scheduled Tribe category i.e. every ULBs viz., CMCs/TMCs/TPs shall be arranged in a decreasing order of percentage of Scheduled Tribe population and then the reservation for Scheduled Tribe category shall be done.

- c. Thereafter a combined list of all ULBs in alphabetical order in English Language shall be prepared indicating the points fixed for SCW/ST/SC/STW as per (a) & (b) above next allotment of seats for other categories shall be made in following sequence viz., BCAW > G > BCBW > GW > BCA > G > BCB > GW.
- d. The above procedure as mentioned in (a) to (c) above, to be adopted for allocation of seats to Presidents and Vice Presidents Posts in ULBs.
- e. The proceedings shall be drawn up indicating reasons for reservation of seats in respect of each category of the offices of President and Vice President CMC/TMC/TP wise.

By Order and in the Name of the
Governor of Karnataka,

(A.VIJAYAKUMAR)
Under Secretary to Government,
Urban Development Department.